

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BRENDON J. PRETTYMAN,)
)
Plaintiff,)
) **NO. 3:18-cv-00217**
v.)
) **JUDGE CAMPBELL**
) **MAGISTRATE JUDGE FRENSLEY**
CORPORAL BRIAN EICHSTAEDT, et)
al.,)
Defendants.)

ORDER

Pending before the Court is the Magistrate Judge's Report and Recommendation ("R&R") (Doc. No. 21), which was filed on December 5, 2018.¹ Through the R&R, the Magistrate Judge recommends the Court: grant Defendant Eichstaedt's Motion to Dismiss (Doc. No. 11) and dismiss this action with prejudice; and, to the extent Plaintiff moved to Amend his Complaint to add Metro Government as a Defendant in this matter, deny that motion as futile. Plaintiff filed an objection to the R&R. (Doc. No. 27).

I. STANDARD OF REVIEW

Under 28 U.S.C. § 636(b)(1) and Local Rule 72.02, a district court reviews *de novo* any portion of a report and recommendation to which a specific objection is made. *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001). General or conclusory objections are insufficient. See

¹ By Order (Doc. No. 18) entered on November 28, 2018, the Court remanded this case to the Magistrate Judge to consider whether Plaintiff's arguments and requests for relief in his subsequently filed pleadings (Docket Nos. 14, 15, 16, 17) affected his analysis and recommendation in the first R&R (Doc. No. 13) regarding Defendant's Motion. Accordingly, the first R&R (Doc. No. 13) is replaced by the currently pending R&R (Doc. No. 21).

Zimmerman v. Cason, 354 F. Appx. 228, 230 (6th Cir. 2009). Thus, “only those specific objections to the magistrate’s report made to the district court will be preserved for appellate review.” *Id.* (quoting *Smith v. Detroit Fed’n of Teachers*, 829 F.2d 1370, 1373 (6th Cir. 1987)). In conducting the review, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C).

II. ANALYSIS

Plaintiff’s objection (Doc. No. 27) does not directly challenge the reasoning of the R&R or lodge specific objections to the R&R. Instead, Plaintiff appears to simply re-state facts and arguments he previously made and the Magistrate Judge already considered in the first R&R (Doc. No. 13) on Defendant Eichstaedt’s Motion to Dismiss. Thus, Plaintiff’s objections do not provide a basis to reject or modify the currently pending R&R.

Having conducted a *de novo* review of the Magistrate Judge’s determinations and Plaintiff’s objections, the Court concludes that Plaintiff’s objections are without merit, and the R&R (Doc. No. 21) should be adopted and approved. Accordingly, to the extent Plaintiff has moved to Amend his Complaint, that motion is **DENIED**. Defendant Eichstaedt’s Motion to Dismiss (Doc. No. 11) is **GRANTED**, and this action is **DISMISSED** with prejudice.

This Order shall constitute the final judgment in this case pursuant to Fed. R. Civ. P. 58.

It is so **ORDERED**.



WILLIAM L. CAMPBELL, JR.
UNITED STATES DISTRICT JUDGE